PARTNERS OR COMPETITORS?: THE EVOLUTION OF THE DOD/CIA RELATIONSHIP SINCE DESERT STORM AND ITS PROSPECTS FOR THE FUTURE

A Monograph

by

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Over the last decade, wars in Iraq, Afghanistan, and global counterterrorism operations have led to a significant increase in the partnership between the Central Intelligence Agency (CIA) and the Department of Defense (DoD). While recent conflicts helped develop the CIA/DoD relationship, legislative action and organizational changes that began in the 1990s in response to Desert Storm and the changing post-Cold War landscape set the foundation for partnership development. Although the CIA/DoD partnership appears to be closer than ever before, there are certain issues and conditions that could, for better or worse, affect how the partnership evolves in the future. Understanding how the CIA/DoD relationship has evolved since Desert Storm will provide an appreciation for the future trajectory this partnership might take.

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ABSTRACT

PARTNERS OR COMPETITORS?: THE EVOLUTION OF THE DOD/CIA RELATIONSHIP
SINCE DESERT STORM AND ITS PROSPECTS FOR THE FUTURE, by Major David P.
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Over the last decade, wars in Iraq, Afghanistan, and global counterterrorism operations have led
to a significant increase in the partnership between the Central Intelligence Agency (CIA) and the
Department of Defense (DoD). While recent conflicts helped develop the CIA/DoD relationship,
legislative action and organizational changes that began in the 1990s in response to Desert Storm
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and conditions that could, for better or worse, affect how the partnership evolves in the future.
Understanding how the CIA/DoD relationship has evolved since Desert Storm will provide an
appreciation for the future trajectory this partnership might take.

ACKNOWLEDGMENTS

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ACRONYMS

ADCI/MS	Associate Director of Central Intelligence for Military Support
ADDO/MA	Associate Deputy Director of Operations for Military Affairs
ADMA	Associate Director of Military Affairs
BDA	Battle Damage Assessment
CENTCOM	Central Command
CIA	Central Intelligence Agency
COL	Colonel
COLT	Crisis Operation Liaison Team
CoS	Chief of Station
CRS	Congressional Research Service
CTC	Counterterrorism Center
DCI	Director of Central Intelligence
DCS	Defense Clandestine Service
DDO	Deputy Director of Operations
DHS	Defense Human Intelligence Service
DIA	Defense Intelligence Agency
DO	Directorate of Operations
DoD	Department of Defense
GCC	Geographical Combatant Command
HASC	House Armed Services Committee
HPSCI	House Permanent Select Committee on Intelligence
HUMINT	Human Intelligence
IC	Intelligence Community
IRTPA	Intelligence Reform and Terrorism Prevention Act

JIC	Joint Intelligence Center
JTF	Joint Task Force
LTG	Lieutenant General
MG	Major General
NCS	National Clandestine Service
NIST	National Intelligence Support Teams
NORTHCOM	Northern Command
OMA	Office of Military Affairs
OOTW	Operations Other Than War
OPE	Operational Preparation of the Environment
PM	Paramilitary
SAIS	School of Advanced International Studies
SASC	Senate Armed Services Committee
SOCOM	Special Operations Command
SOF	Special Operations Forces
SSCI	Senate Select Committee on Intelligence
SWIC	Special Warfare Center and School
TOC	Tactical Operations Center
UAV	Unmanned Aerial Vehicles
U.S.C.	United States Code

INTRODUCTION

Since September 11, 2001, the United States Department of Defense (DoD) and the

Central Intelligence Agency (CIA) have worked closely in Iraq, Afghanistan, and during

counterterrorism operations. Various media accounts, personal memoirs, and current affairs

literature discuss the integration of these organizations. Operations such as Neptune's Spear

highlight both the significance of the relationship and the degree to which each organization

depends on the other. While various accounts cover the contemporary integration of the two

organizations, their operational exploits, and areas of institutional friction, there is a lack of

literature that looks at how and why the CIA/DoD relationship has evolved. An appreciation of

the current relationship and the possible future course this relationship might take is dependent on

an understanding of how this relationship evolved over time.

To appreciate the contemporary relationship between the CIA and DoD, one must begin

well before September 11, 2001 (9/11). Although the CIA and DoD relationship expanded

significantly following the 9/11 terrorist attacks, its foundation was set ten years earlier in the

aftermath of Desert Storm and in the Cold War's twilight glow. During this period, Congressional

policy pronouncements and organizational changes within both institutions increased the

communication and liaison partnerships between the CIA and DoD, establishing the foundation

for greater interoperability since 1992. The changes made in response to Desert Storm and the

end of the Cold War established conditions that enabled the blossoming of the relationship since

2001. Although conflict, war, and terrorist threats provided a common focus for partnership

development and integration, existence of a structure coupled with previous policy direction

resulted in organizational familiarity and partnership prior to operations. Over time, this

relationship morphed from an intelligence analysis support to the warfighter into a more

comprehensive partnership that has come to involve the mutual and reinforcing pursuit of

America's most important operational and strategic objectives. There is little doubt the

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relationship would have matured during operations, but the growing pains experienced over time would have been much greater absent the organizational and policy changes of the early nineties.

The purpose of this paper is to understand the evolution of the CIA/DoD relationship since Desert Storm and determine its current standing. To understand the historical and contemporary context of the CIA/DoD relationship, the author draws on primary and secondary sources. Primary sources include interviews with two former Chairmen of the United States Senate Select Committee on Intelligence (SSCI), interviews with previous and current DoD and CIA leadership, government documents and written first-person accounts. The secondary sources include academic journal articles, historical and current affairs accounts, and various media reports.

Although the author highlights specific events in the 1980s that helped shape the subsequent CIA/DoD relationship, the paper focuses on the two decades following Desert Storm. The author breaks the twenty-one years into two periods, post-Desert Storm/Cold War (1991-2001) and post-9/11 (2001-2012). The first period looks at how the perceived failures of the intelligence community to support the warfighter during Desert Storm, coupled with the security and fiscal realities of the post-Cold War world, led to Congressional investigations, Executive branch committees, and policy changes that affected both organizations. It then considers how the investigations and committee proposals resulted in institutional changes that increased the level of interaction between the CIA and DoD. While the first period considers the strategic environment that encouraged organizational change, the second period focuses on the strategic and operational environments that tested and institutionalized these changes. This period begins in the aftermath of 9/11 and looks at the policy, organizational, operational, and individual choices that shaped the relationship. Informed by history, the paper then transitions from an understanding of the past into a focus on the present. This section looks at the current state of the CIA/DoD relationship;

considering the conditions and attributes that should continue to shape the partnership and the friction that could stymie or even derail efforts to increase the partnership.

LITERATURE REVIEW AND METHODOLOGY

Despite significant amounts of literature on both the CIA and DoD, to include primary and secondary accounts of organizational interaction during military operations, there is a dearth of literature on the evolution of their relationship and its implications for future partnership efforts. The existing academic literature usually focuses on the operational implications of the CIA/DoD relationship or offers recommendations on how the relationship should evolve. In a 2002 article titled *Tug of War: The CIA's Uneasy Relationship with the Military,* Dr. Richard Russell, a former CIA analyst and current National Defense University professor, argues that overwhelming the CIA with support to the warfighter requirements could have severe consequences for CIA support to policymakers.[1] Dr. Russell covers the CIA/DoD history to include Desert Storm and the establishment of CIA's Office of Military Affairs (OMA) and poses some valid concerns regarding analytical support. A valuable account of the relationship, particularly from an analytical support standpoint, the School of Advanced International Studies (SAIS) published the paper a year after September 11, 2001 therefore it does not capture the evolution of the relationship since.

Another informative paper that captures some of the issues involved with the CIA/DoD relationship is Colonel Kathryn Stone's 2003 paper "All Necessary Means-Employing CIA Operatives in a Warfighting Role Along-side Special Operations Forces."[2] COL Stone's paper tackles the Title 10 vs. Title 50 debate and explores the confusing topic of legal authorities.

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[1] Richard L. Russell, "Tug of War: The CIA's Uneasy Relationship with the Military," *SAIS Review; a Journal of International Affairs* 22, no. 2 (2002): 1.

[2] Kathryn Stone, "All Necessary Means: Employing CIA Operatives in a Warfighting Role," http://www.fas.org/irp/eprint/stone.pdf (accessed 14 November 2012).

Jennifer Kibbe's 2007 paper, "Covert Action and the Pentagon" and Frederick Hitz's 2012 paper,

"U.S. Intelligence in the Wake of September 11: The Rise of the Spy Commando and

Reorganized Operational Capabilities," update this discussion and add to the body of academic

literature for this very important topic.[3] In addition to the issue-focused literature, papers by

James Lose, Garret Jones, and Daniel Moore consider the value of CIA/DoD interaction and/or

provide recommendations on how they can improve the relationship.[4] Although all these papers

provide valuable information on the CIA/DoD relationship, there is not a comprehensive account

that covers the evolution of the relationship from the early 1990s until today. Understanding how

the CIA/DoD relationship has evolved and appreciating the environment that shaped it is

important to any projection of how the relationship might develop in the future.[5]

SHAPING THE FUTURE

Organizational attitudes and environmental conditions are contingent on events and

decisions made years earlier; making other decisions or choices would result in a much different

environment. Although it is nearly impossible to account for all the individual choices made by

the CIA and DoD in the years preceding Desert Storm, there are four significant policy and

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[3]Frederick P. Hitz, "U.S. Intelligence in the Wake of September 11: The Rise of the Spy Commando and Reorganized Operational Capabilities," *Harvard Journal of Law and Public Policy* 35, no. 1 (2012): 245-258; Jennifer D. Kibbe, "Covert Action and the Pentagon," *Intelligence & National Security* 22, no. 1 (2007): 57-74.

[4]James Lose, "Fulfilling a Crucial Role: National Intelligence Support Teams," https://www.cia.gov/library/center-for-the-study-of-intelligence/kent-csi/vol43no3/pdf/v43i3a08p.pdf (accessed 14 November 2012); Jones Garrett, "Working with the CIA," *Parameters* 31, no. 4 (2001), 28-39; J. Daniel Moore, "CIA Support to Operation Enduring Freedom," *Military Intelligence Professional Bulletin* 28, no. 3 (2002): 46.

[5]Considering the CIA was formed at the beginning of the Cold War and the large professional (as opposed to volunteer) Army was developed in response to the Cold War. An understanding of how these two organizations adapted their relationship in a post-Cold War world is important not just for understanding their relationship but to appreciate how organizations adapt during times of extreme change.

organizational decisions made in the 1980s and 1990s that set conditions for a closer relationship between the two organizations. The four decisions were the 1986 passage of the Goldwater-Nichols Act, the 1986 establishment of the United States Special Operations Command (SOCOM), the 1986 establishment of the Central Intelligence Agency's Counterterrorism Center (CTC), and the 1992 establishment of the Defense Intelligence Agency's Defense HUMINT Service (DHS). The intent of these decisions, or actions, was not to strengthen the CIA/DoD relationship, but the decisions unintentionally created conditions that positively affected the future partnership.

The interoperability failures during Operation Desert One and Operation Urgent Fury highlighted the inability of the United States military to conduct joint operations. In response to these failures, Congress looked for ways to increase inter-service understanding and cooperation to enable successful joint operations. The passage of the Goldwater-Nichols Act in 1986 did not completely eradicate parochial mind-sets, but it did help weaken the service centric attitudes. The eroding of service stovepipes accustomed the services to embrace non-parochialism beyond their cloistered environments, a small yet significant step in shaping how they developed relationships with non-military government agencies.[6]

As part of defense reorganization in the wake of Goldwater-Nichols, Congress, supported by former and current defense officials, looked for ways to both strengthen and raise the "clout" of the United States' special operations forces (SOF). In pursuit of these goals, Congress passed legislation establishing SOCOM as a functional combatant command responsible for SOF within all the services.[7] Like other measures undertaken to increase service jointness, the failures of Operation Desert One and Operation Urgent Fury convinced policymakers of the need to create a

[6]LtGen Cichowski's compared the evolutionary path of the CIA/DoD partnership to the path the military service relationships took following Goldwater-Nichols.

[7]USSOCOM, "United States Special Operations Command History," 16 April 1987, http://www.fas.org/irp/agency/dod/socom/ 2007history.pdf (accessed 7 January 2013), 6-7.

joint SOF command structure. The tragic 1983 Marine Corps Barracks bombing in Lebanon raised the specter of low-intensity conflicts and identified the need for a joint structure to command unconventional forces likely to fight in these environments.[8] The centralization of SOF capabilities under a single command increased efficiency of resource management and improved interoperability.[9] Although not an articulated justification for SOCOM's establishment, establishing a joint SOF command also enabled future collaboration with CIA paramilitary (PM) elements following 9/11. SOCOM now meant CIA had a direct plug-in to all DoD SOF elements, making collaboration less complex.

In the aftermath of terrorist attacks, such as the 1983 Marine Corps barracks bombing and the 1984 kidnapping and murder of the CIA's Beirut Chief of Station (CoS), the CIA increased its focus on terrorism.[10] The CIA established the Counterterrorism Center (CTC) in response to the Reagan Administration's desire to have a single entity within the U.S. government focused on the international terrorist threat.[11] Although it is doubtful that the Reagan administration could have predicted the future importance of United States' counterterrorism efforts, the creation of CTC provided another venue for future CIA/DoD collaboration; a venue that would become valuable during joint CIA/DoD counterterrorism operations after 9/11.

The fourth organizational change that shaped the future CIA/DoD relationship was the centralization of DoD HUMINT under the Defense HUMINT Services in 1992.[12] This gave the

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[8]USSOCOM, 6-7.

[9]Ibid, 7.

[10]"Body Believed to be CIA Agent and Hostage is Found in Lebanon," *New York Times,* 27 December 1991, http://www.nytimes.com/1991/12/27/world/body-believed-to-be-cia-agent-and-hostage-is-found-in-lebanon.html (accessed 21 Feburary 2013) for information on the abduction and murder of William Buckley.

[11]Henry A. Crumpton. *The Art of Intelligence: Lesson from a Life in the CIA's Clandestine Service* (New York, NY: Penguin Press, 2012), 122.

[12]Donald J. Atwood, "Directive for Centralized Management of Department of Defense

Director of the Defense Intelligence Agency (DIA) "centralized management" of all DoD

HUMINT activities, ensuring more collaborative efforts and standardized practices. Although the

establishment of DHS did not necessarily increase CIA/DoD HUMINT collaboration,

centralization of DoD HUMINT activities was a necessary first step in shaping future CIA/DoD

partnership efforts.[13]

RESPONDING TO THE GULF WAR CRITIQUE

In June of 1991, General Norman Schwarzkopf criticized the intelligence community's

performance during Operation Desert Storm[14]. His criticism highlighted a breakdown in the

integration of strategic intelligence and military forces that resulted in poor communication and a

lack of common understanding of the operational environment. Schwarzkopf's testimony before

the Senate Armed Services Committee not only unveiled a crack in the perceived sterling edifice

of the battlefield victory, but also illustrated the need for structural and policy changes within the

intelligence community.

Human Intelligence (HUMINT) Operations, December 18, 1992," http://www.gwu.edu/ ~nsarchiv/ NSAEBB/NSAEBB46/ (accessed 7 January 2013) and DIA History Office, "A Brief History: Committed to Excellence in Defense of the Nation," http://www.fas.org/irp/dia/ dia_history.pdf (accessed 24 January 2013).

[13]U.S. Congress, Senate, Select Committee on Intelligence, S Prt. 103-88 *Legislative Oversight of Intelligence Activities: The U.S. Experience*, 103rd Congress, 2nd sess., October 1994, 26. The "Intelligence Organization Act of 1992" gave the DCI responsibility for "establishing priorities for U.S. Government intelligence-gathering and for coordinating all collection involving human sources, both overt and clandestine"; since 9/11, the intelligence community has made efforts to centralize HUMINT collection management. Intelligence Community Directive 304 (06 March 2008) identified the DCIA as the National HUMINT Manager. Management and integration of HUMINT integration are two of the National HUMINT Manager's responsibilities.

[14]Molly Moore, "Schwarzkopf: War Intelligence Flawed; General Reports to Congress on Desert Storm," *Washington Post*, 13 June 1991, Section A.

The Gulf War controversy centered on two issues; Battle Damage Assessments (BDA) and national intelligence support to the combatant commanders.[15] Regarding BDA, the military believed they destroyed a higher percentage of Iraqi combat power during initial bombing operations than the CIA assessed. The analytical disagreement, based on different calculation criteria and means for assessing damage, resulted in policymaker confusion.[16] The second criticism, intelligence support to the combatant commander, focused on the quantity and quality of the intelligence provided to the commander. The report identified the absence of a unified intelligence effort to provide the combatant commander the highest quality intelligence without being contradicting.[17]

General Schwarzkopf first identified a need for greater national intelligence support during the planning phase of Desert Storm. Dissatisfied with conflicting analysis and repetitive reporting, the DoD resurrected the Joint Intelligence Center (JIC) concept to integrate the capabilities of the national intelligence organizations in support of the warfighter. Although helpful in bringing together the different organizations in support of the combatant commander, the loose and largely informal nature of the organization limited its effectiveness. The JIC's ad hoc nature also meant the intelligence organizations had to pull resources from other intelligence operations to support the effort. Postmortem Congressional reports criticized the CIA specifically for not providing adequate support to the JIC. The House Armed Services Subcommittee report referred to the CIA's "handoff approach" as one of the reasons the combatant commander did not

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[15]U.S. Congress, House, Oversight and Investigations Subcommittee of the Armed Services Committee, *Intelligence Successes and Failures in Operations Desert Storm/Shield,* 103rd Cong., 1st sess., 1993, 2-4.

[16]Molly Moore.

[17]U.S. Congress, *Intelligence Successes and Failures in Operations Desert Storm/Shield,* 2-4.

have an adequate and unified intelligence picture.[18] In response, the CIA stated they supported

the JIC concept, but their limited resources stretched their capacity for supporting the

organization with an analyst. Instead, they provided a liaison officer who was able to facilitate

communication between General Schwarzkopf's staff and the CIA.[19]

Appreciating the potential value integrated intelligence provided combatant commanders;

the House Armed Services Committee (HASC) identified the importance of building a unity of

effort in support of the combatant commander during wartime. Since understanding the

capabilities, needs, and requirements of the partner organization could not happen overnight,

construction of the DoD/intelligence community (IC) relationship would need to begin in

peacetime. In 1991, realizing the benefit of ongoing national intelligence support to the

combatant commander, then Secretary of Defense Richard Cheney, ordered all combatant

commanders to establish permanent JICs.[20] The intelligence community also identified the

requirement to create a deployable surge capability in support of military operations. To meet this

need, members of the intelligence community came together to establish National Intelligence

Support Teams (NIST).[21] Similar to the JICs, the NIST sought to provide intelligence support to

commanders, but unlike the JICs, were non-permanent structures that came together to support a

Joint Task Force (JTF) during operations.[22] DoD and the intelligence community thought the

establishment of permanent JICs and on-call NISTs would result in better support to wartime

commanders. In later years, the CIA developed its own deployable support asset to military

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[18]U.S. Congress, *Intelligence Successes and Failures in Operations Desert Storm/Shield,*
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[19]Ibid.

[20]Michael Warner and J. Kenneth McDonald, *U.S. Intelligence Community Reform*
Studies Since 1947 (Washington, D.C.: Center for the Study of Intelligence, 2005), 33.

[21]Lose.

[22]Ibid.

operations to ensure better integration and responsiveness. These teams, known as Crisis

Operation Liaison Teams (COLT), provide commanders direct access to CIA products and

personnel.[23]

Accepting the Desert Storm critiques and realizing the burgeoning fluid post-Cold War

environment, the Central Intelligence Agency also looked for ways to facilitate and manage their

integration with military warfighters. In 1992, the CIA established the Office of Military Affairs

(OMA) "to enhance information flow and increase cooperation" with the Department of Defense

(DoD).[24] OMA's creation symbolized an evolving mindset within the CIA. The CIA traditionally

focused resources and attention on providing policymakers intelligence to enable decision-

making. Although the CIA and DoD had signed previous agreements regarding the CIA/military

relationship during wartime and the CIA provided support whenever possible, its "support to

military operations" was always a second tier mission to the higher priority "support to the

policymaker".[25] The establishment of an organization focused on improving support to the

"military customer" demonstrated the evolutionary changes occurring within the CIA.

In some ways, Congress' reaction to the intelligence community's performance during

Desert Storm was in response to changing global conditions. The critiques provided an initial

peak into the how the changing national security environment and fiscal concerns would affect

the organizations responsible for waging the Cold War. The waning of the five decade long Cold

War brought about a new found sense of security. Although America's defense expenditures

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[23]Michael Pick, "What the Joint Force Commander Needs to Know about CI and HUMINT Operations," 2002, http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA405644 (accessed 3 February 2013) and History Commons, "Profile: Crisis Operations Liaison Teams," http://www.historycommons.org/entity.jsp?entity=crisis_operations_liaison_teams_1 (accessed 3 February 2013). These organizations were used in Iraq and Afghanistan to successfully facilitate CIA/military partnerships.

[24]Persian Gulf War Illness Task Force, *CIA Support to the US Military During the Persian Gulf War* (Washington, D.C.: Central Intelligence Agency, 16 June 1997), 7.

[25]Russell, 8.

would not go back to pre-World War II levels, the changing conditions within the international environment presented an opportunity to focus more on domestic economic concerns and less on external security considerations. In hindsight, the critique of the intelligence community signaled an evolving Congressional definition of the role certain national security organizations have in a post-Cold War environment. This definition was developed in a political environment where defense cuts and fiscal responsibility were shaping the debate.

END OF THE COLD WAR AND THE "PEACE DIVIDEND"

The timing of Schwarzkopf's criticisms was as important, if not more so, than the words he uttered. Less than a year after coalition victory in Iraq, the Soviet Union disintegrated and the Cold War ended. The collapse of the Soviet Union resulted in identity loss for the United States who had seen the world through bi-polar lenses for fifty years. Although victory in the Cold War brought a degree of pride and satisfaction to the national security professionals who waged it, they also realized it resulted in a less understood world. Despite this newfound confusion, organizations such as the CIA would no longer enjoy Cold War level funding to develop this understanding. After more than fifty-years of containment, arms races, and proxy-wars, the United States was looking for a "peace dividend." A significant portion of this peace dividend involved an increasingly austere national security budget and the call for a more streamlined and integrated national security apparatus.

Sensing the final collapse of the Soviet Union and realizing its significance on the "changing international landscape", President George H.W. Bush ordered the executive agencies to identify what those changes meant for the United States national security apparatus.[26] Domestic fiscal concerns regarding an ongoing recession threatening America's economic health

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[26]President George H.W. Bush, "National Security Review 29: The Intelligence Community," http://www.fas.org/irp/offdocs/nsr/nsr29.pdf (accessed 17 November 2012).

partially drove President Bush's review. After the fall of the Berlin Wall, President Bush had

called for national security spending cuts amounting to approximately twenty-five percent. The

President and other national leaders believed the United States' global standing was not only

contingent on a strong defense, but also on its economic health. The reunification of Germany

and the Soviet Union's steady emergence as the new "sick man of Europe," provided the United

States an opportunity to leverage the "peace dividend," and put America's fiscal house in order.[27]

In the 1990s, Congress, also driven by the ongoing recession and informed by the recent

collapse of the Soviet Union and the lessons of Desert Storm, initiated reviews of the intelligence

community to determine how it should transform to be effective in the post-Cold War era.[28]

Although the commissions acknowledged the importance of intelligence to understand a post-

Soviet world, they also highlighted the need to reduce intelligence expenditures. These reviews

looked at ways to cut redundancy and streamline the intelligence community to make intelligence

organizations more responsive and integrated, but at a cheaper cost to the American taxpayer.

Although these reviews focused on the broad structure of the intelligence community, there is

little doubt the criticisms of intelligence integration during the Gulf War informed them.

Whatever spurred their actions, it is apparent they sought to remedy the relationship between

military operations and national intelligence for both practical and fiscal reasons.

The desire to leverage the post-Cold War environment to strengthen the sickly American

economy did not end with the George H.W. Bush presidency. Running on the memorable quip,

"it's the economy stupid," Bill Clinton entered the White House with an electoral mandate to

strengthen the economy. Part of the Clinton Administration's strategy to revitalize the economy

was a determined focus to make federal government more effective and efficient. Sharing the

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[27]Michelle R. Garfinkel, "The Economic Consequences of Reducing Military Spending," *Federal Reserve Bank of St. Louis Review* 72, no. 6 (November/December 1990): 49.

[28]Warner and McDonald, 33-36.

Bush Administration's belief that a new unipolar world presented an opportunity to cut national security significantly, the Clinton Administration continued the trend of reduced defense spending initiated by their predecessor. Part of this reduction meant looking for opportunities to leverage existing capabilities to cover requirements, and the intelligence needs of post-Desert Storm warfighters was one of those identified requirements.

In 1995, Vice-President Al Gore's committee seeking efficient and effective governance identified intelligence support to the warfighter as a continued failing that needed remedied.[29] Responding to the reverberating argument for increased support to the warfighter, President Clinton ranked intelligence support to military operations as the number one priority for the intelligence community and established the Commission on the Roles and Capabilities of the United States Intelligence Community, known colloquially as the Aspin-Brown Commission.[30] Informed by previous post-Cold War intelligence reform attempts and motivated by operational lessons, the committee identified a continued lack of support to operational commanders.[31] Understanding the increasing importance of operational support to the warfighter, the CIA moved the Associate Deputy Director of Operations for Military Affairs (ADDO/MA) out of the Directorate of Operations (DO) and created the Associate Director of Central Intelligence for Military Support (ADCI/MS).[32] This meant a flag officer responsible for ensuring CIA/DoD

[29]National Performance Review, "Commonsense Government: Works Better, Costs Less," http://govinfo.library.unt.edu/npr/library/nprrpt/annrpt/pdf/com02.pdf (accessed 18 November 2012).

[30]William Jefferson Clinton, *Presidential Decision Directive,* "PDD-35: Intelligence Reform," (Washington, D.C.: Government Printing Office, 2 March 1995) and Loch Johnson, *The Threat on the Horizon: An Inside Account of America's Search for Security after the Cold War* (Oxford, UK: Oxford University Press, 2011), Kindle location 243.

[31]Commission on the Roles and Capabilities of the United States Intelligence Community, *Preparing for the 21st Century: An Appraisal of U.S. Intelligence* (Washington D.C.: Government Printing Office, 1996), XXIII.

[32]CIA Public Website, "Military Affairs/History" https://www.cia.gov/offices-of-cia/military-affairs/history.html (accessed 18 November 2012).

partnership would report directly to the Director of Central Intelligence (DCI) and not through the Deputy Director for Operations.[33] After 9/11, the CIA consolidated the ADCI/MS and OMA into the office of the Associate Director of Military Affairs (ADMA).[34]

The end of the Cold War created an opportunity to reshape the intelligence community's focus and the dire economic conditions at the time made the opportunity a political imperative. The lessons of Desert Storm provided policymakers with an event that highlighted the need for national security structural changes and mission refocusing in the post-Cold War era. Responsive to the changing environment, the CIA made structural changes to their organization and their leadership embraced the importance of supporting the warfighter.[35]

COLLABORATION IN THE JUNGLE: SOMALIA AND THE BALKANS

During his February 1993 Senate confirmation hearing, then Director of Central (DCI) nominee James Woolsey quipped, "Our two surrounding oceans don't isolate us anymore. Yes, we have slain a large dragon, but we live now in a jungle filled with a bewildering variety of poisonous snakes. And in many ways, the dragon was easier to keep track of."[36] The CIA and military were no longer chasing the Soviets or preparing to meet them on the plains of Europe, they were now trying to understand a confusing world while undergoing significant institutional

[33]The 2005 Intelligence Reform Terrorism Prevention Act replaced the DCI with the Director of National Intelligence (DNI). Prior to 2005, the DCI was both the head of the CIA and the intelligence community. Now the head of the CIA is referred to as the Director of the Central Intelligence Agency (DCIA).

[34]CIA Public Website, "Military Affairs/History" Https://www.cia.gov/offices-of-cia/military-affairs/historm.html (accessed 04 March 2013).

[35]John McLaughlin, former CIA Deputy Director, telephone interview by author, 19 September 2012. Mr. McLaughlin stated that both him and Director Tenet viewed support to troops in combat should rise to the top because it meant the protection of American lives.

[36]U.S. Congress, Senate, Senate Select Committee on Intelligence, S Hrg. 103-206, *Nomination of James Woosley,* 103rd Cong., 1st sess., 2-3 February 1993, 76.

downsizing and turmoil. Compounding this confusion were the cuts in both personnel and

budgets introduced during the George H.W. Bush administration and incorporated during

President Clinton's tenure.[37] Despite declining budgets from 1990-1996 and mainly "flat

budgets" from 1996-2000, the intelligence community had to satiate an increasing intelligence

appetite of a multiplying policymaker consumer trying to come to terms with a post-Soviet

environment and America's role in this world.[38] Although many pundits and experts thought the

collapse of communism in Eastern Europe signaled irrepressible progress towards a liberal

democratic world, the splintering of existing orders highlighted a tumultuous and unpredictable

environment.

In response to this splintering, the United States conducted various peacekeeping and

humanitarian operations in the Balkans and Africa. Whereas the Desert Storm critiques centered

on analytical support to the combatant commander, the new missions required more operational

integration between CIA and DoD operational elements. While the dialogue engaged and the

structures emplaced following Desert Storm helped enable the relationship, successful integration

in these operations other than war (OOTW) depended largely on the personalities of the

individual officers representing both organizations.

In 1993, the United Nations decided to transition the mission in Somalia from a

peacekeeping operation to a nation building operation.[39] To build Somalia institutions, advisors

within the Clinton Administration believed it was necessary to remove impediments to

development such as clan leader Mohammed Aideed. Tasked with apprehending General Aideed

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[37]Government Printing Office, "The Cost of Intelligence," http://www.gpo.gov/ fdsys/pkg/GPO-INTELLIGENCE/html/int017.html (accessed 7 January 2013).

[38]The National Commission on Terrorism Attacks, "The Performance of the Intelligence Community: Staff Statement No. 11," http://govinfo.library.unt.edu/911/staff_statements/ staff_statement _11.pdf (accessed 27 November 2012).

[39]Vernon Loeb, "Warlords, Peacekeepers, and Spies," *Washington Post*, 27 February 2000, http://www.somaliawatch.org/archivejuly/000927601.htm. (accessed 27 December 2012).

was a special operations element led by Major General (MG) William Garrison.[40] In order to increase intelligence capabilities in support of military operations Garrett Jones, a senior CIA official, quickly integrated his operations with MG Garrison. The tragedy of Somalia is well known, but the collaboration between the CIA and the military is less known. Despite a lack of human intelligence (HUMINT) sources, Jones and his officers integrated their operations as best they could with Garrison's command. According to a Senate Armed Services Committee (SASC) after-action review, the military and intelligence community "effectively integrated" and while some military officers were not satisfied with the available HUMINT intelligence, the senior leadership was satisfied with the performance of the intelligence community.[41]

During the same period that Somalia was spiraling out of control, Yugoslavia was fracturing into ethnic pieces. In December 1995, the UN authorized the North Atlantic Treaty Organization (NATO) to conduct military operations to ensure enforcement of the Bosnian Peace Agreement.[42] Even more so than Somalia, Operation Joint Endeavor validated the institutional actions taken following Desert Storm.[43] The integration of military operations with national intelligence at the tactical, operational and strategic levels was even more remarkable when one considers this occurred within multinational operations.[44] Understanding that support to the warfighter in multinational operations involved providing intelligence support to allies, the

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[40]Loeb.

[41]U.S. Congress, Senate, Committee on Armed Services, Memorandum for Chairman Strom Thurmond from Senator Warner and Senator Levin, "Review of the Circumstances Surrounding the Ranger Raid on October 3-4, 1993 in Mogadishu Somalia," 29 September 1995, 42.

[42]Larry Wentz, ed., *Lessons from Bosnia: The IFOR Experience* (Washington, D.C.: National Defense University, 1997), 25.

[43]Wentz, 54.

[44]Ibid., 228-229. An article written by David D. Perkins discusses how HUMINT and CI experiences during other operations informed operations in Bosnia.

Director of Central Intelligence (DCI) had a task force develop procedures that would ensure U.S. and allied warfighters received the necessary intelligence, while protecting CIA sources and methods.[45] The interaction between the CIA and special operations also increased in the Balkans with SOF ground teams working closely with CIA officers.[46]

While debates over the future of the intelligence community were occurring in committee rooms on Capitol Hill, the CIA and DoD were operating together in peacekeeping and nation building operations that brought the two organizations closer. Although policymaker pronouncements highlighted the need for integrated CIA/DoD operations and structural changes displayed CIA/DoD willingness to adapt, operations were required to solidify the relationship. During the 1990's peacekeeping and humanitarian operations provided a small-scale venue for CIA/DoD relationship building.[47] The decade looming on the horizon would bring two large-scale operations and a shared mission focus that was absent since the end of the Cold War. This experience would further solidify the relationship.

IDENTIFYING THE SNAKE: 9/11, AFGHANISTAN,
IRAQ AND A BURGEONING PARTNERSHIP

Ten years had passed between General Schwarzkopf's Congressional testimony criticizing intelligence support to the warfighter and the 9/11 attacks. During the intervening years, structures were built to institutionalize the relationship and the effectiveness of the structures was tested during humanitarian operations. The military and CIA became more familiar with each other during the mid to late 1990s, but the lack of a significant unifying threat to the

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[45]Ibid., 91 and George Tenet. *At the Center of the Storm: My Years at the CIA* (New York, NY: Harper Collins E-Book, 2007), Kindle location 7810.

[46]Garry Reid, Principal Deputy Assistant Secretary of Defense for Special Operations/Low Intensity Conflict, telephone interview by author, 19 September 2012.

[47]Ibid.

United States kept CIA and DoD collaboration at low levels. Out of tragedy often grows common purpose, the terrorist attacks on the World-Trade Center and the Pentagon gave the United States' national security apparatus a new focus and helped establish a common purpose for the CIA and DoD. Organizational changes made in the aftermath of Desert Storm supported the pursuit of this common purpose. These changes set the foundation for increased interactions, providing structure in which to engage each other.

The policy pronouncements and organizational changes made in the early 1990s conditioned the environment for greater CIA/DoD interoperability. MG David Baratto, former Associate Director of Military Affairs (ADMA), commented that he saw a vast difference in the CIA/DoD relationship from his time as the commanding general of the US Army Special Warfare Center and School (SWIC) from 1988-1992 compared to his time as the ADMA from 1994-1995.[48] Although the new policies and structures increased partnership, the absence of a significant common mission focus meant the operational environment did not necessitate an immediate transformation of the partnership. The 9/11 tragedy significantly altered the CIA/DoD partnership by giving them a common purpose. The wars in Afghanistan, Iraq, and global counterterrorism operations served as a forcing mechanism to bring the two organizations closer together and increase their mutual familiarity. The partnership was also encouraged by Post-9/11 Congressional investigations that highlighted the importance of interagency collaboration in the war on terror. Leading the effort to expand the CIA/DoD partnership were leaders within both organizations who understood the importance of breaking down organizational barriers in pursuit of national interests. Without these non-parochial public servants, the policy and structural changes would not have been as effective.

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[48]Major General David Baratto, former CIA Associate Director for Military Affairs, telephone interview by author, 23 January 2013.

The CIA/SOF partnership took off shortly after September 11, 2001 when combined cross-functional teams supported the Northern Alliance's efforts to overthrow the Taliban.[49] Although these composite teams did not always agree and friction did occur, the CIA/DoD partnership strengthened out of a need to leverage the other's capabilities.[50] The melding together of the DoD's military capabilities with the CIA's intelligence and paramilitary capabilities provided a good template for counterterrorism operations that were increasing in importance for both organizations. Since 1986, the CIA's CTC served as the leading intelligence organization focused on international terrorism.[51] Although SOCOM was created partially in response to terrorist attacks in the 1980s, its primary focus was on small intensity conflicts.[52] In July 2002, Secretary of Defense Donald Rumsfeld identified SOCOM as the lead in the global counterterrorism fight and gave them authority to coordinate and wage the DoD's counterterrorism fight across the different Geographic Combatant Commands (GCC) territories. In addition to SOCOM, Central Command (CENTCOM) and Northern Command (NORTHCOM) also identified counterterrorism as a primary mission.[53] The elevation of SOCOM as the DoD counterterrorism lead helped ensure the further formalization of a relationship that had already grown out of necessity.

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[49]Reid.

[50]Gary Schroen. *First In: An Insider's Account of How the CIA Spearheaded the War on Terror in Afghanistan* (New York, NY: Ballantine Books, 2005) and Eric Blehm. *The Only Thing Worth Dying For: How Eleven Green Berets Forged a New Afghanistan* (New York, NY: Harper Collins E-Books, 2010). Schroen's book described a largely positive relationship between the CIA and DoD, while Blehm's book focused more on the friction in the relationship.

[51]Crumpton, 122.

[52]United States Special Operations Command History, 6-7.

[53]National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (Washington, D.C.: Government Printing Office, 2004), 401.

During the run-up to the Iraq War, the CIA/SOF partnership continued to grow. In the summer of 2002, CIA teams operating in Kurdistan and adjacent countries began introducing SOF soldiers to Iraqis who could help them convince Iraqi soldiers to surrender prior to conflict initiation.[54] These CIA teams assisted with the preparation of the battlefield and military planning by developing relationships that would enable future operations and by providing intelligence to CENTCOM in support of planning efforts.[55] At CENTCOM, the designated CIA lead in Iraq worked with General Tommy Franks and his staff during the preparation for war.[56] In Iraq, the integration of DoD/CIA operations manifested both formally and informally. Formally, CIA officers were feeding real-time information to the "warfighter" and their locations were coordinated with military elements to protect against accidental fratricide.[57] Informally, military and CIA personnel on the ground were reaching out to each other and developing partnerships.

In 2003, Colonel (COL) David Perkins was a Third Infantry Division brigade commander leading the "Thunder Run" into Baghdad. Now a lieutenant general (LTG) commanding the U.S. Army's Combined Arms Center at Fort Leavenworth, LTG Perkins recalled during an October 2012 interview how a CIA officer arrived at his Tactical Operations Center (TOC) on the eve prior to the assault into Baghdad. The CIA officer, who turned out to be the future Baghdad Chief of Station, asked if he could accompany COL Perkins into Baghdad. COL Perkins not only agreed, but also upon arrival to Baghdad the CIA and COL Perkin's began to cooperate and support each other's operations. Although unplanned, this fortuitous encounter set a positive tone for future CIA/DoD interactions.

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[54]Tenet, 6083.

[55]Ibid. and Greg Fontenot, E.J. Degen, and David Tohn. *On Point: The United States Army in Operation Iraqi Freedom* (Fort Leavenworth, KS: Combat Studies Institute Press, 2004), 30.

[56]Tenet, 6198.

[57]Ibid., 6224.

Beyond presenting a common operational focus, 9/11 also led to significant changes to America's national security structure. Organizationally, the 9/11 Commission Report highlighted the lack of a counterterrorism "unity of effort" throughout the government and made recommendations to ensure closer collaboration.[58] Although it is contestable whether or not all the measures enacted following the passage of the 2004 Intelligence Reform Terrorism Prevention Act (IRTPA) streamlined the country's counterterrorism efforts, the passage of the legislation coupled with greater focus on "interagency efforts" and increased funding helped break down barriers between the different organizations.[59] The legislation also mandated further operational "coordination and deconfliction" measures between DoD and CIA entities and agreement on the strategic objectives being pursued when they are conducting joint operations.[60] Although much of the Congressional reaction to 9/11 seems visceral, it is hard to deny that some goodness, such as closer collaboration, has resulted from their efforts.

Complementing both the operational necessity and the structure were the leaders who embraced a non-parochial approach. These leaders ensured that mission success trumped organizational interests. Encouraging the forging of a stronger CIA/DoD relationship in battle was the support of leadership back in the United States. Organizational leaders such as George Tenet and General John Abizaid set the tone of teamwork for professionals planning and executing operations.[61] The non-parochial attitude that originated at the top echelons of the CIA

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[58]National Commission on Terrorist Attacks Upon the United States, 407.

[59]Government Printing Office, Public Law 108-458, "Intelligence Reform and Terrorism Prevention Act of 2004," 17 December 2004, www.gpo.gov/fdsys/pkg/PLAW-108publ458/pdf/PLAW-108publ458.pdf (accessed 26 August 2012), 50 USC 401.

[60]Richard A. Best and Andrew Feickert, "Special Operations Forces (SOF) and CIA Paramilitary Operations: Issues for Congress," http://www.fas.org/sgp/crs/natsec/RS22017.pdf (accessed 22 August 2012), 3.

[61]Crumpton, 187; McLaughlin,; and Stanley McChrystal, *My Share of the Task* (London, UK: Penguin, 2013), 116. All these individuals mentioned leaders who helped strengthen the

and DoD helped nourish a collaborative environment at the operational level. The support of these leaders allowed for the creation of grass-root joint organizations such as General McChrystal's TF-714 that increased collaboration and leveraged individual organizational strengths for the collective good. This is not to say that friction did not occur at the operational level, it is merely stating that without the support of organizational leaders, operational collaboration would have been more difficult and sporadic.[62]

The wars in Iraq, Afghanistan, and counterterrorism operations worldwide provided a common mission focus for CIA and DoD resulting in increased collaboration since 9/11. Policy and organizational changes made in the 1980s and 1990s enabled the evolving partnership. The policy pronouncements highlighted the importance of the relationship to policymakers and weakened institutional stovepipes. The organizational changes created structural conditions for collaboration to occur. Operational necessity provided a purpose for collaboration and the process of collaboration both strengthened the existing structures and spurred new partnership endeavors that further reinforces the partnership.

THE RELATIONSHIP TODAY: STRONGER THAN EVER

The evolution of the CIA/DoD relationship over the last twenty-years is both encouraging and astounding. Although there might be nuanced disagreement over why the relationship has improved, there seems to be universal agreement among the currently serving senior leaders that the relationship has never been better. Mr. Garry Reid, the Principal Deputy Assistant Secretary for Special Operation's and Low-Intensity Conflict (SOLIC) and a former special operations soldier with over twenty-eight years of service, stated, "overall the relationship has never been

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partnership.

[62]McChrystal, 2571. McChrystal discusses some of the tension early on between the CIA and DoD.

stronger across the board."[63] Another retired Army officer who is now a Senior Intelligence Service (SIS) officer in the CIA's National Clandestine Service (NCS) compared his experience as a military liaison in the late eighties and early nineties to today. When he first arrived at CIA there were only a handful of liaison officers located at CIA headquarters in Langley, Virginia.[64] Today, there are hundreds of uniformed personnel (active, guard, and reserve) serving in the building and nearly half of those individuals are active duty service members.[65] In addition, the CIA has representation at dozens of military commands and professional military schools.[66] Despite the relationship being closer than it was in previous years, it appears that it grows closer every year. About five years ago, the two organizations established the Defense Sensitive Support System (DSSS) to enable cross-organizational support. The CIA uses this system to leverage logistics support, support which has increased every year for the past five years, with an increase of thirty-three percent over that period.[67]

Historians within the CIA's Center for the Study of Intelligence stated that interviews with CIA personnel highlight significant improvement in CIA's relationship with other government organizations since 9/11. These improved partnerships have resulted in less paraochialism and increased mission success. Most important, the officers recognize the value of these partnerships and are now more receptive to engaging their interagency colleagues instead of operating alone. Even during periods when the structure has not completely evolved to enhance

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[63]Reid.

[64]National Clandestine Services Senior Intelligence Service (SIS) Officer, interview by author, Washington, D.C, 28 August 2012.

[65]Lieutenant General Kurt A. Cichowski, CIA Associate Director for Military Affairs, interview by author, Langley, VA, 29 August 2002.

[66]Ibid.

[67]Ibid.

partnerships, officers find new and innovative ways to work around the constraints.[68] While these officers still understand and appreciate the difference in their two organizations' mission and culture, they now view each other as indispensable members of the larger U.S. national security profession.

Although OMA is the formal plug-in for the military into the CIA and its contributions in developing the relationship are valuable, there is ongoing interaction between the CIA and DoD at multiple levels. CIA's Special Activities deals directly with the theater special operations commands and CIA's CTC deals directly with SOCOM. In addition, CIA's geographic division chiefs interact with SOF personnel in their region and coordination occurs between SOF and other CIA Centers such as the Counternarcotics Center.[69] The numerous interactions between the CIA and DoD build redundancy in the relationship, which protects against organizational stove piping and enables unity of effort.

While many of these relationships develop out of necessity during operations, both organizations are making efforts during training to cultivate the partnership. Beyond serving as a gateway into the CIA, OMA has instituted various programs focused on increasing DoD/CIA partnership, by cultivating non-parochial leaders who are familiar with both organizations and aware of the value each brings. For example, OMA hosts numerous military professionals during visits to CIA headquarters to build a greater familiarization of the CIA's mission.[70] These visits draw a diverse number of military professionals at all levels to include general officers, brigade commanders, staff officers, embassy based service members, military intelligence officers and

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[68]Candace B., CIA Analyst, interview by author, Ft. Leavenworth, KS, 12 August 2012. Both the After Action Review and the interview highlighted the willingness and creativity of officers to break down barriers to accomplish mission objectives.

[69]Reid.

[70]Alyssa G, Military liaisons to CIA's Office of Military Affairs, interview by author, Langley, VA, 28 August 2012.

non-commissioned officers.[71] Recognizing the increased interaction between SOF and the CIA, OMA has also started bringing every newly minted Special Forces detachment (18A) captain to CIA headquarters to brief them on the CIA's mission and introduce them to CIA personnel.[72] OMA also works to educate the CIA workforce on the military mission and culture, providing pre-deployment briefs to CIA officers and serving as an accessible resource to learn about the military or obtain contact information for military units.

Cross-pollination is also strengthening the relationship. A recent training class at the CIA's renowned "Farm" had over twenty-five percent military students and even more telling, a significant portion of the instructors serving at the "Farm" are from military services.[73] Beyond the networking opportunities joint training creates, the bond forged through shared training experience foundationally shapes the mind-set of younger officers and results in organizational integration becoming a way of life and not merely a mandate. A senior CIA officer previously responsible for overseeing training throughout the organization stated in an interview that the "showcasing" of the military during training, the presence of military colleagues, and the operational experience in war zones are all contributing to a more "enlightened" institution and CIA officer when it comes to working with the military.[74]

A reoccurring theme during interviews with senior leaders from both the CIA and the DoD is the importance of personalities of leaders in both organizations encouraging a close partnership. The constant interaction over the last decade created leaders who are familiar with the other organization's capabilities. Particularly noteworthy has been the multi-organizational experience of senior leaders who not only understand the other organization's mission, but its

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[71]Alan W., Military liaison to CIA's Office of Military Affairs, interview by author, Langley, VA, 28 August 2012.

[72]Ibid.

[73]National Clandestine SIS Officer.

[74]Ibid.

culture as well. This "cross-cultural" knowledge is invaluable and enables a leader to identify how each organization compliments the other instead of focusing on what the other organization fails to provide. The senior CIA leader, who served as a military LNO to the CIA in the late eighties/early nineties, commented that he was "intrigued" by the lack of a relationship when he first arrived as a LNO. He thought the two organizations would have a greater "affinity" for each other because of the shared birthright.[75] It appears the relationship is now closer, partially owing to leaders whose organizational understanding cross the divide.

The CIA and DoD currently enjoy a strong relationship based on operational necessity; this relationship is enabled by organizational structure and pursued by non-parochial leaders who understand the value of the relationship for America's national security interests. Although the CIA/DoD relationship is probably the best it has ever been, its continued strength is contingent on future decisions in response to changing operational environments, fiscal concerns, and outstanding issues.

CURRENT ISSUES BETWEEN THE CIA AND DOD

Although the CIA/DoD relationship has grown over the last two decades and the evolution of the relationship has been mostly positive, there remain significant legal authority and organizational mission issues. While some of these issues spur debate between the CIA and DoD, it is often policymakers who voice dissent over what they see as the narrowing of separate identities; and the threat this poses to both legal and non-legal oversight concerns. The legal issues are concerned with what authorities each organization has to conduct certain operations and the nuanced nature of the statutes that govern the authorities. There are legitimate oversight concerns that both organizations might be drifting away from its core purpose and leaving gaps in national security coverage as a result. There are also parochial Congressional concerns over

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[75]National Clandestine Services SIS Officer.

which committee(s) has oversight responsibility. While ensuring that each committee provides appropriate oversight is important, it is not always apparent if the decisions are the result of legitimate oversight concerns or due to internal Congressional power plays.

Title 10 vs. Title 50: Understanding Who Can Do What and When

One of the most contentious, confusing, yet often discussed issues with the CIA/DoD relationship is the Title 10 vs. Title 50 debate. Title 10 and Title 50 deal with authorities given each organization by the United States Code (U.S.C). The U.S.C. is the "codification by subject matter of the general and permanent laws of the United States."[76] The U.S.C consists of fifty-one titles, of which twenty-six are statutory law or positive law and twenty-five are prima facie law.[77] The U.S.C can be thought of as an efficient way to organize legal statutes into broad themes to alleviate the need to dig through individual statutes and numerous amendments.[78] Title 10 U.S.C. covers the Armed Forces of the United States, while Title 50 focuses on War and National Security. The Title 10 vs. Title 50 debate can be very confusing, especially for the non-legal professional trying to navigate the murky waters of U.S.C (i.e. the author). This section will not delve into the recesses of this deep water, but will merely try to highlight some of the surface issues such as U.S.C title applicability and interaction with executive orders, that are often confusing to lay-people.

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[76]Government Printing Office, "About United States Code," http://www.gpo.gov/help/index.html#about_united_states_code.htm (accessed 27 December 2012).

[77]Mary Whisner, "The United States Code, Prima Facie Evidence, and Positive Law," *Law Library Journal* 101, no. 4 (2009): 545-549. In regards to U.S.C, Statutory law merely means a "Title" within U.S.C. has passed Congress in its entirety and amendments are made to the Title and not the individual Statutes. Prima Facie U.S.C. means the Title is a compilation of statutes, but amendments are made to the individual Statute and not directly to the Title. This merely means if there is a discrepancy between Prima Facie U.S.C and the individual Statute, the individual Statute is followed. Title 10 is statutory law and Title 50 is prima facie.

[78]Whisner, 546.

Confusion often arises in the use of the terms "Title 10" and "Title 50" to describe the nature of forces or the activities being conducted. Although Title 10 deals solely with the Armed Forces, Title 50 also provides the Secretary of Defense certain authorities regarding the use of DoD intelligence organizations. In addition, labeling activities or operations as either "Title 10" or "Title 50" is somewhat inaccurate because it focuses on the activity, not where the organization derives its authority. For example, military forces in the Bin Laden raid were operating under Title 10 authorities, while their CIA counterparts were operating under Title 50 authorities.[79] Just because the CIA funded the operation does not mean the military forces were operating under Title 50 authority. It merely means the CIA, an organization that derives its authority from Title 50, was in charge of an operation supported by military forces that derive their authority from Title 10.[80]

Confusion also arises over what seems to be contradicting direction between Title 50 and executive guidance. Title 50 states that "National Intelligence Program means all programs, projects, and activities of the Intelligence Community, as well as any other programs of the Intelligence Community designated jointly by the Director and the head of a United States department or agency or by the President. Such term does not include programs, projects, or activities of the military departments to acquire intelligence solely for the planning and conduct

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[79]Andru Wall, "Demystifying the Title 10-Title 50 Debate: Distinguishing Military Operations, Intelligence Activities & Covert Action," *Harvard National Security Journal* 3 (2011): 85-86.

[80]Wall, 94. Andru Wall, a former legal advisor for United States Special Operations Command-Central argues that the confusion over "Title 10" and "Title 50" stems largely from congressional armed services and intelligence committee debates about which committee(s) have oversight authority over specific operations. Wall argues that "operators" in the field understand they each derive their authority from different statues, even if the operations they are conducting are sometimes indistinguishable. Although this might be the case, the different committees are responsible for ensuring their respective organizations are operating within the law and debate over Title 10 vs. Title 50 authority exemplifies why thorough oversight becomes problematic when the lines of responsibility are blurred by both operational necessity and executive mandate.

of tactical military operations by United States Armed Forces."[81] Although this section does not preclude a CIA/DoD partnership where operations overlap, its language seems to limit this relationship to areas where common interests arise in pursuit of their individual missions. The two organizations might work together and even develop command relationship agreements outlining where they can leverage each organizations' resources for mutual benefit, but their missions are distinct and not subservient to the other. Confusion arises because this seems counter to PDD-35 where President Clinton made "intelligence support to military operations" the "highest priority" for the intelligence community. Title-50 places the responsibility for acquiring intelligence that "solely" supports military operations on the military departments; PDD-35 says this is the primary mission of the entire intelligence community.[82]

The confusion over how legal authorities enable or restrict CIA/DoD interoperability will continue to be an important, confusing, and often insolvable problem. Although there are professionals who understand the nuances of U.S.C. and its effect on CIA/DoD operations, this knowledge is not always resident with the individuals executing the operations. These individuals depend on legal interpretations given them by their respective institutions and subsequently base their actions on these interpretations. This can be problematic if each institution interprets U.S.C. differently in regards to specific operations. Although this is a possibility, the CIA and DoD have worked around these issues in the past, and while they might cause friction, they provide a better understanding of roles and responsibilities.

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[81]USCode.house.gov, U.S.C. 50, "Title 50 – War and National Defense," http://uscode.house.gov/pdf/2011/2011usc50.pdf (accessed 21 February 2013), 66.

[82]William Jefferson Clinton, *Presidential Decision Directive 35,* "Intelligence Requirements" (Washington, D.C.: Government Printing Office, 2 March 1995).

Oversight Responsibility and Organizational Roles: How Congressional Interests
and Policymaker Intelligence Needs Affect the Relationship

Closely linked to the legal issues are the Congressional oversight issues that surface as

the distinction between military and intelligence operations become more confusing. The House

Permanent Select Committee on Intelligence (HPSCI) and the Senate Select Committee on

Intelligence (SSCI) are responsible for oversight of intelligence activities, while the House and

Senate armed services committees are responsible for oversight of military operations. During a

recent interview, former SSCI chair, now President of the University of Oklahoma, David Boren

voiced concern that some military activities constitute intelligence activities and should be briefed

to the intelligence committees to ensure proper oversight of the intelligence community.[83] HPSCI

also raised this concern in the 2010 Intelligence Authorization Act, positing that the military often

hide intelligence activities under the guise of operational preparation of the environment (OPE) to

avoid oversight by the intelligence community.[84] HPSCI members further argued that the

potential damage of these activities were as great as other clandestine intelligence activities under

HPSCI's purview and HPSCI should be briefed on these "OPE" activities.[85] The recent halt to the

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[83]David L. Boren, President of the University of Oklahoma and former Chairman of the Senate Select Committee on Intelligence, e-mail interview by author, 20 November 2012. President Boren "First I did not think there was enough interaction between military leaders and the SSCI. The CIA reported in great detail while the Department of Defense largely reported only to the Armed Services Committee. While in theory there is always at least one joint member of both committees, gaps often developed between the knowledge of the two committees."

[84]U.S. Congress, House, Permanent Select Committee on Intelligence, *R. 111-186 to Intelligence Authorization Act for Fiscal Year 2010*, 111th Cong., 1st sess., 26 June 2009, 48-49.

[85]Richard A. Best, "Covert Action: Legislative Background and Policy Questions," http://www.fas.org/sgp/crs/intel/RL33715.pdf (accessed 7 January 2013). In response to a question on covert action, Senator Roberts commented "The CRS report is misleading. It was the concern of one member, Vice Chairman Kit Bond, about the United States Director of Intelligence's expansion of "military source operations" authority to "Committee concerns." The CRS also erroneously stated these questions were for Jim Clapper's confirmation hearing when they were in fact for Dennis Blair. Since leaving the committee in 2006, it is my understanding that Members of the Committee continue to work closely with the military to ensure that all military intelligence activities are reported to the intelligence oversight committees."

planned Defense Clandestine Services (DCS) shows that the concern with defense clandestine

activities is not limited to the HPSCI and SSCI.

Realizing the increasing need for human intelligence (HUMINT), the DoD looked to

develop their clandestine capabilities through the establishment of the DCS. Interestingly, the

DCS garnered support from both the Department of Defense and the CIA's National Clandestine

Service (NCS). The DoD looked at the DCS as increasing their ability to collect much needed

intelligence on global issues, while the NCS embraced the idea of more DoD HUMINT collectors

available to collect on military commander requirements.[86] The DCS also served as an

opportunity to further break down the parochial castles by introducing a greater number of DoD

case officers who were "farm" trained, thus furthering the interaction between the DoD and CIA.

The new DoD case officers would work closely with CIA stations abroad, thus ensuring

deconfliction of clandestine collection activities.[87]

Although the CIA and DoD support the establishment of the DCS and well informed

Congressional representatives such as Senator Pat Roberts, a former SSCI chair, sees Pentagon

intelligence activities as "complementary" to CIA activities, there are some Congressmen who

are not as receptive to the proposed organization.[88] Capitol Hill critiques include the seemingly

contradictory notions that the DCS is just providing the CIA more case officers under another

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[86]National Clandestine SIS Officer.

[87]Ibid.

[88]Senator Pat Roberts, former Chairman of the Senate Select Committee on Intelligence, e-mail interview by author, 9 January 2013. When asked about DCS, Senator Roberts wrote, "I see the Pentagon's intelligence activities and authorities as complementary to the work of the CIA. The nation needs intelligence capabilities both from within the military and the intelligence community. I am confident that coordination between DoD and the CIA continues to improve. The new Defense Clandestine Service is not, in my view, an example of a new parallel authority. The DCS is essentially a renaming of the DIA's Defense Humint, an intelligence collection element that has been in existence since the early 1980s"and Greg Miller, "DIA Sending Hundreds of More Spies Overseas," *Washington Post*, http://articles.washingtonpost.com/2012-12-01/world/35585098_1_defense-clandestine-service-cia-spy-agency (accessed 7 January 2013).

name and the assertion that the DoD does not deserve an increased HUMINT capability because of their past poor performance.[89] Whatever the true concerns are regarding the DCS, the 2013 Defense Authorization Bill halted the establishment of the DCS, at least temporarily, citing the past career management issues with DoD clandestine operatives.[90] Although there might be some legitimate concern based on previous DoD HUMINT management, one has to wonder if it might also have something to do with a Congressional oversight "rice-bowl" fight between the defense and intelligence committees. Despite post-9/11 Congressional complaints over intelligence community parochialism, the Senate stymied a grass-roots interagency collaboration effort that looked to increase operational capability while tearing down organizational stovepipes. Whatever the reasoning, it will be difficult to take future Congressional complaints over organizational parochialism seriously when they appear to be encouraging continued segregation.

The defeat of DCS only increases resource concerns regarding the CIA's ability to execute its primary mission of intelligence support to policymakers, while also supporting the warfighter. Numerous intelligence experts warn that a CIA too focused on military operations will eventually affect CIA's ability to understand the broader world outside the war zones. Although John McLaughlin identifies intelligence support for force protection as a top priority, he also warns that support to the warfighter necessarily takes resources away from other global missions.[91] Mr. McLaughlin was not alone in this sentiment, nor was it only held by former CIA officials. President David Boren, who served as chair of the SSCI, articulated concern with the CIA mission becoming subordinated to military operations stating "I think there is great danger if

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[89]Miller, "DIA Sending Hundreds of More Spies Overseas" and Greg Miller, "Senate Moves Blocks to Block Pentagon Plans to Increase Number of Spies Overseas," *Washington Post,* http://articles.washingtonpost.com/2012-12-10/world/35745387_1_defense-clandestine-service-pentagon-dia (accessed 7 January 2013).

[90]Miller, "Senate Moves Blocks to Block Pentagon Plans to Increase Number of Spies Overseas."

[91]McLaughlin.

the CIA becomes primarily an agency dedicated to the support of military operations it will

neglect its primary role of providing objective intelligence to the policy makers."[92] President

Boren stated that CIA's "military support roles in Iraq and Afghanistan now have resulted in

reduced intelligence collection and analysis in parts of the world which are more vital to

America's long term interests."[93] President Boren also worries that a greater "emphasis on a

military support role runs the risk of compromising the objectivity in intelligence analysis."[94] Dr.

Richard Russell voiced similar concerns, stating that CIA analytical support to certain programs

are intensive and drain analytical resources from other areas. He also argued that military

intelligence understandably focuses on supporting the commander's objectives, but CIA analysis

needed to remain separate to ensure "unbiased analysis" for the policymakers.[95]

President Boren and Dr. Russell's comments regarding objectivity highlights the friction

between achieving analytical consensus and common understanding to support military

commanders, while avoiding the perils of analytical group think; a tension that is all too often not

considered in the aftermath of "intelligence failures." The 1992 "Final Report to Congress on the

Conduct of the Persian Gulf War" criticized the "duplicative and contradictory" intelligence

provided military commanders during Desert Storm.[96] Twelve years later, another report on the

failure of the intelligence community in Iraq cited "group think" as an issue in the analysis of

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[92]Boren.

[93]Ibid.

[94]Ibid. "I do not think it is healthy when a person whose principal experience has been in the military is asked to serve as Director of the CIA. It tends to bias policy in a way that places too much emphasis on military intervention instead of carefully evaluating the use of diplomacy and other policy tools."

[95]Richard L. Russell, Professor at National Defense University, telephone interview by author, 14 September 2012.

[96]Department of Defense. *Final Report to Congress on the Conduct of the Persian Gulf War* (Washington, D.C.: Department of Defense, April 1992), 388.

Iraq's weapons of mass destruction (WMD) programs.[97] These two reports seem to be at odds with each other with the first report striving for greater analytical consensus to enable decision-making and the second report embracing analytical friction to protect against groupthink. Although both policymakers and commanders appreciate agreement on intelligence analysis to support decision-making, the pursuit of consensus raises the prospect of groupthink within the intelligence community. Contradictory analysis might make it difficult to decide courses of action, but there is goodness in analytical friction for better understanding the possibilities present within any operational environment.

<div align="center">Covert Action vs. Delayed Attribution: What is the Difference
and Why are the Differences Important?</div>

The increasing closeness of the CIA/DoD partnership, coupled with operational necessity in the counterterrorism fight and the wars in Iraq and Afghanistan have raised considerable legal issues for the CIA/DoD partnership. Exacerbating this debate is confusion over the nature of certain operations, further confounded by the global expansion of the theatre of war through technology and the difficulties in waging war against an ill-defined non-state actor not tied to specific geography.

One of the most contentious issues among practitioners and policymakers is defining if an activity is a covert action. The use of covert action by the United States government has been a somewhat controversial topic since the early 1970's. In response to the CIA's alleged involvement in the overthrow of Chilean President Salvadore Allende, Congress passed the Hughes-Ryan Amendment. This amendment limited the Executive Branches ability to conduct covert action by requiring a presidential finding for all covert actions.[98] Subsequent covert action

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[97]U.S. Congress, Senate, Select Committee on Intelligence, *Report on the U.S. Intelligence Prewar Intelligence Assessments on Iraq*, 108th Cong., 7 July 2004, 18

[98]David Oakley, "Taming the Rogue Elephant?" *American Intelligence Journal* 26, no. 2 (2008-2009): 63.

controversies in South America and the Middle East led to additional executive orders and legislation, further limiting its use without proper notification and oversight.

The current Title 50 definition of "covert action" exempts "traditional military activities or routine support to such activities."[99] These activities are not considered covert and therefore do not require a presidential finding. Although understandable in print, distinguishing between traditional military activities and covert actions is more problematic in practice. In 1991, Congress clarified the definition of "traditional military activities" stating that they, "include activities by military personnel under the direction and control of a United States military commander (whether or not the U.S. sponsorship of such activities is apparent or later to be acknowledged) preceding and related to hostilities which are either anticipated to involve U.S. military forces, or where such hostilities involving United States military forces are ongoing, and, where the fact of the U.S. role in the overall operation is apparent or to be acknowledged publicly."[100] Congress also clarified that "traditional military activities" would not include the "clandestine" recruitment of individuals in third-party countries who have access to the targeted country or the recruitment of target country citizens to "take certain actions" when military operations are initiated.[101] It also stated that the "clandestine efforts" to influence foreign population to support war efforts is not a "traditional military activity."[102] Since 2001, these expanded definitions of what constitutes covert action have become problematic.

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[99]USCode.house.gov, 65.

[100]U.S. Congress, House, *Intelligence Authorization Act, Fiscal Year 1991*, Report 102-166, 102nd Cong., 1st sess., 25 July 1991, 29.

[101]Best, "Covert Action: Legislative Background and Policy Questions."

[102]There is often confusion between the terms "covert" and "clandestine." Covert is when the activity that is occurring might be known, but who is conducting the activity is unkown (hidden hand). Clandestine is when the activity itself is unknown beyond those executing the operation.

The 1991 covert action definition was premised on a traditional nation-state military conflict within a limited and defined theatre of war. Since 2001, the United States has been waging "war" against a global non-state actor. Therefore, the military can posit that their "operational preparation of the environment" in the numerous countries where the identified terrorist organizations reside constitutes traditional military activities. The counterterrorism fight is not the only operational reality challenging the current covert action definition. As the use and threat of cyber conflict increases, determining if the hidden-hand activities of America's cyber legions constitute traditional military actions, intelligence activities or covert action will increase in importance.[103] While not singularly aligned with the cyber debate, the concept of covert action vs. delayed attribution will increase in significance along with cyber discussions. The legal definition of covert action does not specify time horizons, but merely states that the "role of the United States Government will not be apparent or acknowledged publicly."[104] Arguably, if the United States military plans to acknowledge an activity publicly in the undefined future, by definition it is not a covert action. In regards to cyber, if the United States military covertly conducts a cyber-attack, but plans to acknowledge at some future date, it is not apparent if this constitutes a covert action. In a recent interview, former SSCI chair Senator Pat Roberts stated that one of the specific tests of whether or not an activity is covert is if the activity will be acknowledged if it is revealed publicly. According to Senator Roberts, an activity is not covert if there is a willingness to acknowledge if revealed publicly.[105] While this definition of covert

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[103]Aaron P. Brecher, "Cyberattacks and the Covert Action Statute: Toward a Domestic Legal Framework for Offensive Cyberoperations," *Michigan Law Review* 111, no. 3 (December 2012): 425. "Cyberexploitation involves only the monitoring or copying of data, while cyberattacks involve the manipulation of data."

[104]USCode.house.gov, 66.

[105]Roberts. Although Senator Roberts pointed out that under the National Security Act, even certain intelligence activities conducted by the military must be reported to SSCI and HPSCI, it does not solve the cyberwarfare issue. If the mere willingness to acknowledge actions publicly makes an activity non-covert and only intelligence activities need to be reported to the

action appears to meet the letter of the law, it is debatable whether it completely meets the post-Church spirit of the law.

<center>Paramilitary Capability: Strength Through Diversity
or Unnecessary Redundancy</center>

In the past, the desire for streamlining has also raised the call to consolidate military actions under DoD. The 9/11 Commission Report recommended removing the CIA's paramilitary capability and placing it under SOCOM to centralize the capability for operations and training.[106] According to Senator Pat Roberts, the 9/11 Commission made this recommendation because they believed "the CIA did not invest sufficiently in a robust paramilitary capability prior to 9/11, but instead relied on foreign proxies." Senator Roberts further stated that the CIA had developed their paramilitary capabilities and "made progress" in their coordination efforts with DoD, during the period between the commission's investigation and the report's release. Senator Robert's stated that he "was comfortable" with the changes made and believed the new "procedures worked well to prevent conflict and duplication," which was Congress' main concern.[107]

Beyond the CIA and DoD increased coordination satisfying Congressional concerns, some practical issues might arise if all paramilitary capabilities were placed underneath the DoD. One of the issues cited by the Congressional Research Service (CRS) is the various legal issues involving DoD SOF conducting covert paramilitary operations.[108] According to CRS, DoD SOF conducting deniable covert action operations might lose their combatant status under the Geneva Convention. There is also the issue of military forces possibly violating international law and the

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intelligence committees, how will cyberattacks and cybercollection activities be deconflicted? Although Cyber command and NSA share the same leader, the lack of definition and oversight might cause friction in the future.

[106]Best and Feickert.

[107]Roberts.

[108]Best and Feickert.

<center>37</center>

effect this violation would have on them and other military forces globally.[109] Mr. Garry Reid provided the most compelling, reason when he said shifting paramilitary covert action to the DoD might run counter to the American public's image of the military as the "doer of good things." Mr. Reid accurately pointed out that "blackbag dirty stuff does not fit" the image America has of the military and that the CIA is doing a "perfectly fine job of conducting CA."[110] Although often forgotten, the narrative of American institutions is very important in ensuring continued support from the American populace. Although the narrative of the American military always being forces of good in the world is a simplistic and contestable notion, it is important to remember that in a democracy, the military requires the support of its population.[111]

In 2005, President Bush ordered the CIA and DoD to provide recommendations on whether or not the 9/11 Commission's recommendation regarding paramilitary operations should be shifted to the DoD.[112] In response, both the CIA and DoD recommended that the CIA retain their paramilitary capabilities. Since receiving the CIA and DoD responses, Congress has shown little interest in revisiting this topic.[113] For now, it appears that the consolidation of America's paramilitary capabilities under one military command is neither wanted nor needed.

<u>Environmental and Policy Effects on the Partnership</u>

The future choices made by the CIA and DoD regarding their partnership will be shaped by its leaders, national security requirements, policymaker preferences, and fiscal considerations.

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[109]Ibid.

[110]Reid.

[111]The author is not saying that the individual service member is not seeking to do good, but merely that the DoD is mainly built to pursue policy objectives. These policy objectives could be either in pursuit of solely American interests or in pursuit of coalition interests.

[112]Best and Feickert.

[113]Best and Feickert.

Over the last ten years, there have been leaders within the CIA and DoD who appreciate the partnership and understand the importance of collaboration to achieve America's national security objectives. Although these leaders have made strides towards institutionalizing the partnership, parochial bureaucrats replacing the current collaborative leaders could halt or degrade progress. Even if the current crop of leaders remain in place, their collaborative efforts could be affected by changing national security requirements. The "Global War on Terrorism" and subsequent Afghanistan and Iraq wars provided real world purpose to drive interagency integration, the absence of these operations could limit the necessity of integration.

Strategic refocusing might also result in a changing partnership between the United States military and the CIA. For Example, over the last decade, the CIA has largely served in a "supporting" role to the military's "supported" status.[114] In support of the war effort, the CIA staffed the two largest stations since the Vietnam War era Saigon Station.[115] The end of the Iraq War and the planned drawdown in Afghanistan could result in significant role reversals between the two organizations. At the very least, the interaction between the two organizations will evolve from a predominantly war focused military driven relationship into a non-war zone partnership. This dynamic change marks an important period in the CIA/DoD relationship, one that will determine if the comprehensive partnership of the last ten years is permanent or fleeting.

The continued health of the relationship will also be affected by policymakers' actions and America's fiscal health. The recent Senate decision against the establishment of the DCS is an example of how Congressional action might significantly affect the trajectory of the partnership. In this regards, the future health of the CIA/DoD partnership does not merely rest on

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[114]National Clandestine SIS Officer. The possibility of transitioning from a "supported" to a "supporting" role and how it would be handled was one of the issues the NCS officer brought up in our discussion.

[115]Douglas Jehl, "2 CIA Reports Offer Warnings on Iraq's Path," *New York Times,* 7 December 2004, http://www.nytimes.com/2004/12/07/international/middleeast/07intell. html?_r=0 (accessed 31 January 2013) and Miller, "CIA Expanding Presence in Afghanistan."

the shoulders of these two organizations, but on Congressional choices as well. It is important that Congressional representatives remember their institution's previous findings after the Gulf War and 9/11 so they do not make decisions that recreate the conditions their predecessors labored to correct.

The current fiscal problems and declining projected budgets make it imperative for the United State Government to ensure fiscal responsibility through the effective, yet efficient employment of all its assets and resources. While the intelligence and special operations budgets remain largely unscathed in the current fiscal rigor moral, economic issues could force a tightening of the budget for both organizations. Budget constraints could result in a strengthening of partnerships out of necessity or lead to a fight over the remaining scraps of funding. Although the second is a possibility, all the leaders interviewed believe dwindling budgets would result in a closer relationship.[116]

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[116]One of the questions I asked the representatives from the CIA and DoD in most of my interviews was if organizations would become more parochial with the decreasing budgets. Although they did not discount it completely, everyone I asked said they think decreasing budgets would actually bring the organizations closer together out of necessity. In addition, most within the intelligence and special operations communities did not believe budget cuts would affect their organization too much.

CONCLUSION: UNDERSTANDING THE PAST AND
APPRECIATING FUTURE POSSIBILITIES

> When I became Chairman of SSCI in 2002, a little over a year after 9/11, the CIA and the military were at the very early stages of working together in the global war on terrorism. It was evident there was a learning curve for each organization as they adjusted to their own roles in this conflict and adjusted to working together. Naturally, there were some struggles. But during my time as Chairman of the Committee, I saw the relationship improve and both organization learned to complement each other in serving the interests of the nation.
>
> ─Senator Pat Roberts, January 2013

William E. Connolly in his book *A World of Becoming* writes about how different "forks" are generated whenever a "simple system faces a new situation of disequilibrium." The selection of one of the forks "affects everything else that later emerges, without determining everything else in a simple, linear way."[117] The evolution of the DoD/CIA relationship since Desert Storm poses a non-linear conundrum similar to what Connolly is describing. Although it is apparent that the CIA/DoD relationship has grown over the last twenty-years, it is difficult to segregate the variables that enabled this change. Removing any of the contextual factors that influenced the relationship over the last twenty-years, such as prolonging the Cold War, not establishing OMA, or even removing individual leaders, might have had unforeseen yet significant effect on the relationship's evolution and its future trajectory.

Although identifying causality is difficult, historical appreciation of how the CIA/DoD relationship has evolved provides lessons for both guiding policy choices and appreciating the future course the relationship might take. In his famous speech titled "What is History?", the British Historian E.H Carr said that a historian "provides general guides for future action, which though not specific predictions, are both valid and useful."[118] The economic and strategic

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[117]William E. Connolly, *A World of Becoming* (Durham, NC: Duke University Press, 2011), 18.

[118]E.H. Carr, "What is History?" http://library.universalhistory.net/wp-content/uploads/2011/05/What-is-history.pdf (accessed 31 January 2013).

conditions of the post-Gulf War/end of the Cold War period that helped shape the current

CIA/DoD partnership offers valuable "guidelines" for today's DoD and CIA leaders, as well as

policymakers. Similar to the early 1990s, the United States is once again facing an economic

downturn, while undergoing a transitional period in national security affairs. After eleven years of

fighting in the post-9/11 environment, the United States is suffering from operational weariness

and budgetary constraints.[119] These realities are forcing the United States to reassess its strategic

focus and the manner in which it prioritizes its national interests and employs its assets.

Understanding how choices made under similar fiscal and national security conditions affected

the CIA/DoD relationship can provide a better appreciation for how contemporary policy

decisions might affect future CIA/DoD relations.

Organizational culture, institutional history and shared organizational history shade the

current interaction of any two organizations. These relationships are not static, but socially

constructed through continuous interaction. The current condition of the relationship is contingent

on choices and interaction that preceded many of those within the current organization. Similarly,

the actions and choices made today will shape the organization for those who follow. The

contemporary relationship between the CIA and DoD is not only contingent on bureaucratic

actions taken in the early 1990s, but on the subsequent operational history that shaped the

partnership. In the same vain, the choices made today and the actions taken tomorrow will shape

the future CIA/DoD relationship.

The policy and organizational decisions made in the early 1990s increased

communication and liaison partnerships between the CIA and DoD. The foundation built in the

early 1990s improved the relationship, but the lack of operational necessity ensured the

relationship would evolve slowly. The whole of government response to 9/11 leveraged the

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[119]Rowan Scarborough, "Panetta Says 2013 Defense Budget to Cut Land Forces," *Washington Post*, 26 January 2012.

foundation that was established over the previous decade and quickly built upon the partnership. The Afghanistan and Iraq wars provided real world purpose to expand the CIA/DoD partnership, resulting in arguably the strongest relationship ever between these two organizations.

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